

REMARKS

Reconsideration and reversal of the rejections expressed in the Office Action of February 10, 2005 are respectfully contended in view of the following remarks and the application as amended. The present invention relates to a method of controlling objectionable odors in and around aqueous systems. The method comprises adding to the aqueous system or spraying into the atmosphere adjacent to the aqueous system an odor control treatment comprising an organic halogen donor species. Typical organic halogen donor species include halogenated succinimides, halogenated hydantoins, halogenated isothiazolines and mixtures thereof.

Claims 1-4, 6-7, 13-16 and 18-19 were rejected under 35 U.S.C. 102(b) as being anticipated by Hight et al., U.S. Patent No. 5,464,636. Hight et al. relates to an improved biocidal composition and method for controlling biofouling and microorganism population levels in recirculating water systems such as cooling towers, swimming pools or spas. The composition comprises a hypochlorite donor and a bromide ion donor in proportions selected to maintain a mole ratio of the sum of all bromine containing species to the sum of all hypohalite species in the recirculating water of about 0.2 to about 20. In addition, claims 8-9 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by Lin (WO 99/46350). Lin relates to an aqueous mixture of an odor neutralizer component, an enhancer component for microbial activity, and a microbial component. In order to enhance the prosecution of the present application, the claims have been clarified as noted above.

Claims 5 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hight et al. in view of Pocius, U.S. Patent No. 4,295,932. The Office Action notes that Hight fails to teach the addition of halogenated isothiazolines to the deodorizing composition, but that Pocius teaches the addition of the particular isothiazolin compound.

The Pocius reference relates to a method for controlling microorganisms in aqueous systems comprising treating such systems with a biocidal amount of a mixture of 75% of 5-chloro-2-methyl-4-isothiazolin-3-one and 25% of 2-methyl-4-isothiazolin-3-one with chlorine or chlorine dioxide. There is no teaching or suggestion of using such materials for odor control purposes: At column 1, lines 50-52 of the reference, it is noted that biocides are attended by odor problems; thus, the motivation is to use a biocide without such odor

concerns. The teachings of Hight are similarly directed to using less objectionable sanitizers from an odor standpoint, as noted at e.g., column 5, lines 8-12 of the reference. Applicant respectfully contends that such teachings provide no impetus, alone or in combination with the other reference, to employ the materials for controlling odor in an aqueous system, as presently claimed in the instant application. Therefore, prima facie obviousness is not established.

Claims 10-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Hight et al. This rejection is overcome based on the previous discussion.

For all of the above reasons, it is respectfully contended that the solicited claims define patentable subject matter. Reconsideration and reversal of the rejections expressed in the Office Action of February 10, 2005 are respectfully requested. The Examiner is invited to call the undersigned if any questions arise during the course of reconsideration of this matter.

Respectfully submitted,

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